

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NIKE, INC.,

Plaintiff, Counter-Defendant,

vs.

LULULEMON USA INC.,

Defendant, Counter-Plaintiff.

Case No. 1:23-cv-00771-AS

VERDICT FORM

I. INFRINGEMENT OF THE '749 PATENT

1. Did Nike prove, by a preponderance of the evidence, that lululemon's shoes infringe any of the following claims of the '749 patent?

<u>ACCUSED PRODUCT</u>	<u>Claim 1</u> (YES for Nike) (NO for lululemon)	<u>Claim 14</u> (YES for Nike) (NO for lululemon)
Blissfeel	yes	yes
Blissfeel SE	yes	yes
Blissfeel 2	yes	yes
Chargefeel Mid	yes	yes
Chargefeel Mid Lunar New Year	yes	yes
Chargefeel Low	yes	yes
Chargefeel Low 2.0	yes	yes
Strongfeel	yes	yes

II. INVALIDITY OF THE '749 PATENT

2. Did lululemon prove, by clear and convincing evidence, that claim 1 of the '749 Patent is invalid?

Checking "Yes" indicates a finding for lululemon. Checking "No" indicates a finding for Nike.

Yes: _____

No: ☒ _____

If you answered "No" above, skip to Question 3. If you answered "Yes" above, under which ground(s) did you find that claim 1 of the '749 Patent is invalid?

<u>Ground</u>	Check All That Apply
adidas A3 Shoe Obviousness	
adidas Wrestling Shoe Obviousness	

3. Did lululemon prove, by clear and convincing evidence, that claim 14 of the '749 Patent is invalid?

Checking "Yes" indicates a finding for lululemon. Checking "No" indicates a finding for Nike.

Yes: _____

No: ☒ _____

If you answered "No" above, skip to Question 4. If you answered "Yes" above, under which ground(s) did you find that claim 14 of the '749 Patent is invalid?

<u>Ground</u>	Check All That Apply
adidas A3 Shoe Obviousness	
adidas Wrestling Shoe Obviousness	

III. INFRINGEMENT OF THE '046 PATENT

4. Did Nike prove, by a preponderance of the evidence, that lululemon's shoes infringe any of the following claims of the '046 patent?

<u>ACCUSED PRODUCT</u>	<u>Claim 1</u> (YES for Nike) (NO for lululemon)	<u>Claim 8</u> (YES for Nike) (NO for lululemon)	<u>Claim 16</u> (YES for Nike) (NO for lululemon)
Chargefeel Mid	NO	NO	NO
Chargefeel Mid Lunar New Year	NO	NO	NO
Chargefeel Mid 2.0	NO	NO	NO

IV. INVALIDITY OF THE '046 PATENT

5. Did lululemon prove, by clear and convincing evidence, that claim 1 of the '046 Patent is invalid?

Checking "Yes" indicates a finding for lululemon. Checking "No" indicates a finding for Nike.

Yes: _____

No: ☒

If you answered "No" above, skip to Question 6. If you answered "Yes" above, under which ground did you find that claim 1 of the '046 Patent is invalid?

<u>Ground</u>	<u>Check All That Apply</u>
Nike Lunar 1 Shoe Anticipation	

6. Did lululemon prove, by clear and convincing evidence, that claim 8 of the '046 Patent is invalid?

Checking "Yes" indicates a finding for lululemon. Checking "No" indicates a finding for Nike.

Yes: _____

No: ☒

If you answered "No" above, skip to Question 7. If you answered "Yes" above, under which ground did you find that claim 8 of the '046 Patent is invalid?

Ground	Check All That Apply
Nike Lunar 1 Shoe Anticipation	

7. Did lululemon prove, by clear and convincing evidence, that claim 16 of the '046 Patent is invalid?

Checking "Yes" indicates a finding for lululemon. Checking "No" indicates a finding for Nike.

Yes: _____ No: ☒

If you answered "No" above, skip to Question 8. If you answered "Yes" above, under which ground did you find that claim 16 of the '046 Patent is invalid?

Ground	Check All That Apply
Nike Lunar 1 Shoe Anticipation	

V. DAMAGES

8. If you found that any lululemon product infringed any valid claim of the '749 patent, what is the date from which you started your calculation of damages for that patent?

January 30, 2023

9. If you found that lululemon infringed any valid patent claim, what is a reasonable royalty rate on lululemon's sales of the Accused Products (expressed as a percentage (%) or an amount per unit (\$))?

\$1.20/unit

10. If you found that lululemon infringed any valid patent claim, what is the total amount of damages that you award to Nike as a reasonable royalty on lululemon's sales of the Accused Products? Any amount should be written in dollars.

\$ 355,450

Your deliberations are now complete. Sign this verdict form and notify the clerk that your deliberations are complete.

DATED: March 7, 2025

FOREPERSON SIGNATURE:

